

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

Lordstown Motors Corp., *et al.*,¹

Debtors.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

Re: D.I. 199 & 225

**CERTIFICATION OF COUNSEL CONCERNING ORDER AUTHORIZING
THE RETENTION AND EMPLOYMENT OF BAKER & HOSTETLER
LLP AS SPECIAL LITIGATION AND CORPORATE COUNSEL FOR THE
DEBTORS EFFECTIVE *NUNC PRO TUNC* TO THE PETITION DATE**

The undersigned hereby certifies as follows:

1. On July 27, 2023, the debtors and debtors in possession in the above-captioned cases (collectively, the “**Debtors**”) filed the *Debtors’ Application for an Order Authorizing the Retention and Employment of Baker & Hostetler LLP as Special Litigation and Corporate Counsel for the Debtors Effective Nunc Pro Tunc to the Petition Date* [D.I. 199] (the “**Application**”) with the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 3rd Floor, Wilmington, Delaware 19801 (the “**Bankruptcy Court**”). Pursuant to the Application, the Debtors are seeking entry of an order authorizing the Debtors to employ and retain Baker & Hostetler LLP as special litigation and corporate counsel, effective as of June 27, 2023, all as set forth in greater detail in the Application.

2. Pursuant to the *Re-Notice of “Debtors’ Application For Entry Of An Order*

¹ The Debtors and the last four digits of their respective taxpayer identification numbers are: Lordstown Motors Corp. (3239); Lordstown EV Corporation (2250); and Lordstown EV Sales LLC (9101). The Debtors’ service address is 27000 Hills Tech Ct., Farmington Hills, MI 48331.

Authorizing the Retention and Employment of Baker & Hostetler LLP as Special Litigation and Corporate Counsel for the Debtors Effective Nunc Pro Tunc to the Petition Date” and Hearing Thereon, filed and served on August 3, 2023 [D.I. 225], objections or responses to the Application were to be filed and served no later than 4:00 p.m. (Eastern Daylight Time) on August 10, 2023 (the “**Objection Deadline**”).² A hearing to consider the relief requested in the Application is currently scheduled to take place before the Bankruptcy Court on August 30, 2023 starting at 2:00 p.m. (Eastern Daylight Time).

3. Prior to the Objection Deadline, the U.S. Trustee and the Creditors’ Committee provided informal comments to the Application (the “**Informal Responses**”).

4. Other than the Informal Responses, as of the date hereof, the Debtors have not received any other responses or objections in connection with the Application, nor do any objections thereto appear on the Bankruptcy Court’s docket in the Debtors’ chapter 11 cases. To fully resolve the Informal Responses, the Debtors have prepared a revised form of order (the “**Revised Order**”) in connection with the Application. A copy of the Revised Order is attached hereto as **Exhibit A**. A redline comparing the Revised Order against the form of order originally filed along with the Application is attached hereto as **Exhibit B**.

5. The Revised Order has been circulated to (i) the U.S. Trustee; and (ii) proposed counsel to the Creditors’ Committee, and each of the parties to whom the Revised Order was circulated has indicated that it has no objection to the entry of the Revised Order.

² The Debtors agreed to extend the Objection Deadline for (i) the Office of the United States Trustee for the District of Delaware (the “**U.S. Trustee**”) until 12:00 p.m. (Eastern Daylight Time) on August 17, 2023, and (ii) the Official Committee of Unsecured Creditors (the “**Creditors’ Committee**”) until 4:00 p.m. (Eastern Daylight Time) on August 17, 2023. Neither the U.S. Trustee nor the Creditors’ Committee filed an objection to the relief requested in connection with the Motion by the Objection Deadline, as extended for it.

6. The Debtors therefore respectfully request that the Bankruptcy Court enter the Revised Order, substantially in the form attached hereto as **Exhibit A**, at its earliest convenience.

Dated: August 17, 2023

Respectfully submitted,

/s/ James F. McCauley

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